MEETING #29 August 1

At a Joint Meeting of the Madison County Board of Supervisors on August 1, 2007 at 7:30 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman

James L. Arrington, Vice-Chairman

William L. Crigler, Member

Bob Miller, Member Clark Powers, Member

Lisa R. Kelley, County Administrator

ABSENT: V. R. Shackelford, III, County Attorney

Chairman, Eddie Dean called the meeting to order and stated the following cases would be discussed tonight:

Case #S-08-07-27, which is a request by Elbert N. and Barbara A. Breeding for a plat of a subdivision of land to create one (1) lot with residue off Route 642 near Banco, zoned A-1. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Elbert Breeding was present to answer any questions pertaining to his request.

V. R. Shackelford, III, County Attorney stated there w as discussion during the Madison County Planning Commission Workshop session regarding the drain field on the plans and whether the drain field would be situated over the roadway, to which Elbert Breeding stated it would not and added there will be sufficient space.

After discussion, on motion of James L. Arrington, seconded by Bob Miller, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean Aye James L. Arrington Aye William L. Crigler Aye Bob Miller Aye

Clark Powers Aye

Case Number #S-08-07-28, which is a request by Arch Angel Arts Center, Inc. for a subdivision plat to create a fifty-foot (50') right-of-way to serve existing Tax Maps 55-35C (Arch Angel Arts Center, Inc.) and 55-35 "I" (Tomas J. or Bonnie K. Fernandez). This property is located off Route 29 Northbound Lane near Shelby, zoned A-1. The final plat has been approved by the Virginia Department of Transportation.

Bonnie K. Fernandez, co-founder of Arch Angel Arts Center, was present and indicated she and her husband, Tomas Fernandez, jointly own the property that adjoins the Arts Center. She also stated she and Tomas donated the parking lot to the non-profit center when it was established in the County and they lost road frontage for one of the lots when this was initiated. She stated they are in the process of gifting the ministry to Harvest Church and desire to attain right-of-way so they will be able to access one (1) of the lots.

After discussion, on motion of Clark Powers, seconded by William L. Crigler, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-08-07-29, which is a request by Richard H. Dwyer for a subdivision plat to relocate a portion of the existing fifty foot (50') right-of-way (Shady Lane). The newly relocated portion of the fifty foot (50') right-of-way will become a state maintained road. This right-of-way serves existing tax parcels 33-6E (Richard H. Dwyer), 33-6G, 6H and 43-247 (James M. or Gloria L. Lohr), 32-137C (Jarrette Harrison, Jr. or Samantha H. Shiflette), 336I (Herman E. or Nancy H. Kirby) and 33-6B (Catherine C. Hitt, Life Estate/Herman E. & Nancy H. Kirby). These properties are located off Route 29 Southbound Lane near Leon, zoned A-1. (This plat was previously approved on October 4, 2006). The final plat has been approved by the Virginia Department of Transportation.

Richard Dwyer was present to answer any questions pertaining to his request and advised he only wished to get the request recorded – there are no changes noted.

Chairman, Eddie Dean questioned why so many cases were coming back before the County and have not been recorded. Betty Grayson, Zoning Administrator, stated they stamp the plats with the notation that the plat has to be recorded at the Clerk's Office within six (6) months. Also, put a note when they pick up that it has to be recorded.

After discussion, on motion of William L. Crigler, seconded by Bob Miller, the subdivision plat request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-08-07-30, which is a request by Steven L. or Lizbeth Aberg for a plat of a subdivision of land to create one (1) lot with residue on Route 630 near Brightwood, zoned A-1. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Gene Smith was present on behalf of the applicant and to answer any questions pertaining to the request.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-08-07-31, which is a request by Lee A. Twyman for a plat of a subdivision of land to create one (1) lot with residue off Route 614 near Locust Dale, zoned A-1. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Ron Goss was present on behalf of the applicant and to answer any questions pertaining to the request. He stated the request is self-explanatory as indicated on the plat. In closing, he stated there was a concern raised about an area on the plat which has been in existence since 1909 and will be taken care of.

After discussion, on motion of James L. Arrington, seconded by Bob Miller, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SU-08-07-32, which is a request by Douglas M. Graves for an indefinite special use permit to operate a private park. This property is located on Route 615 near Graves Mill and contains .070 of an acre of land, zoned A-1. A variance was granted on June 18, 2007 by the Madison County of Zoning Appeals to create this lot containing .070 of an acre with 75.29 feet of road frontage. Also, granted a variance for the accessory structure to be eight feet (8') from the Virginia Department of Transportation's right-of-way and twenty-three feet (23') to the rear property line. A letter has been received from the Virginia Department of Transportation regarding the final plan for conditional approval (letter dated June 29, 2007) – the site has no plumbing.

Douglas Graves was present and provided an overview of the request being sought tonight and also explained the concept of the private park (Graves Mill Community Historical Park) in conjunction with the 400-year commemoration of Jamestown, Virginia. Additionally, he stated the concept is directly in line with provisions as noted in the Comprehensive Plan that has been adopted by Madison County.

Douglas Graves asked that the special use permit and site plan be approved for the following purposes:

1) To create a community historical park for all of Madison County (open to everyone) in Order to record/preserve some of the past history of Graves Mill that began prior to the formation of Madison County; and

2) He stressed there will be no public funds requested nor any state/federal funding being

sought and this will strictly be a local community venture – no funding or services will be sought from the taxpayers of Madison County.

Additionally, Douglas Graves stated there may be some concern of the park being located in a flood zone; however, it has been declared the proposed site is outside of the flood zone (as noted on the site plan). He stated there has been an agreement made with the Church to allow usage of the existing driveway and parking facilities; he also provided an overview of the road frontage (seventy-five feet) and stated there will be a fence erected on three sides of the property as a means of deterring people from entering the site from the roadway – a walkway will be installed to make the park handicap and wheelchair accessible.

Concerns were presented as to the hours of operation of the proposed park.

Douglas Graves stated the park will be a public facility located near the Graves Chapel and will be open twenty-four hours a day although there will be no electricity or water at the site; he anticipates visitors will only come to the site during the daylight hours.

Douglas Graves stated there has been wide support from the Graves Mill property owners and have signed a statement regarding this factor; he has also attained support from the Piedmont Episcopal Church. He stated there have been several monetary contributions received from individuals along the East Coast and he stressed this request will not impose any monetary hardship on the taxpayers of Madison County.

Robert Campbell of Graves Mill was present and stated so much history in Madison County has been lost as a result of the flood of 1995; he stated he was greatly in favor of the proposal being presented by Mr. Graves for the historical park and feels this will be a means of salvaging a part of Graves Mill history for future generations to enjoy.

Larry Humbert was present and stated he was impressed with the proposal being verbalized by Mr. Graves and his desire to personally provide assistance to the Graves Mill community. He stated he is originally from a locality in which there are mixed feelings about the local government and the sense of "control" being demonstrated; however, he stated he is very pleased with the present proposal to the citizens of Madison County; he encouraged the Madison County Planning Commission

and Madison County Board of Supervisors to consider approving tonight's request as presented as the individual appears to have worked hard and sought to make a very meaningful contribution to the County.

Heidi Jacobi was present and stated although she is relatively new to the Graves Mill area, she has had a long "love affair" with the area - she stated tonight's request exemplifies such a strong American spirit of people joining together to do something good for the community and also stated the Graves Chapel has been a welcoming source for her family. In closing, she asked for community support of tonight's request.

David Jones verbalized concerns regarding the public park at Graves Chapel being open to the public twenty-four (24) hours daily and if there were any measures in place to prevent persons from loitering at the site; he also stated there were state codes in place to guard against individuals intruding upon church premises and/or the graveyard after hours unless there was a function taking place – intruders can be sited for "trespassing" which is punishable by law. In closing, he suggested a closing time (10:00 p.m.) be determined for visiting the historical park so as to not create any unwanted problems.

Douglas Graves welcomed the suggestion and verbalized agreement.

Mary Breeden verbalized concerns as to whether the parking area will accommodate buses as previously indicated.

Rodney Lillard also verbalized concerns regarding the parking spaces as noted on the site plan.

Douglas Graves stated parking will begin about seven feet (7') from the existing flagpole; however, he stated he did not feel this will be a high volume parking situation as he feels most visitors will already be at the church for a function and will venture over to the historic park to see.

Douglas Graves stated a formal ceremony will be held to dedicate the park.

Rodney Lillard suggested parking for the ceremony be situated adjacent to the park.

Douglas Graves stated he would like to use old rails in the parking area if possible.

After discussion, the Madison County Planning Commission suggested the following conditions be added:

- 1. Park will be open from dawn to dusk;
- 2. No artificial lighting or utilities will be included;
- 3. No roadside (street) parking will be allowed.

Bob Miller verbalized concerns as to the property being "gifted"; therefore, he questioned who the actually owner of the property being "gifted" will be and who the liability insurance will be carried by.

Douglas Graves stated he will not be "gifting" the property in question and there he is "zoning" the usage for the community and citizens of Madison County. He stated he has contacted an agent about a liability insurance policy which will be drafted dependent upon the outcome of tonight's request.

Bob Miller also wanted to clarify the applicant was content with the level of liability he would be undertaking for the property, to which Mr. Graves stated he felt the request being made was for a good cause.

James L. Arrington also verbalized concerns regarding the special limitations being sought by the Madison County Planning Commission (operating hours from dawn to dusk) and asked for the applicant's views.

Douglas Graves stated he sought to have the park open for the public for twenty-four hours because he did not want anyone to feel he was trying to exclude anyone who may want to visit the site.

V. R. Shackelford, III, County Attorney, stated he believes the concern is due to the possibility that individuals might loiter at the site after dark; however, if the "dawn to dusk" operating time is added as a condition, the Madison County Sheriff's Department can provide enforcement. In closing, he stated he did not think the citizens would want the park to become a place for loitering to take place.

Douglas Graves stated it has taken him nine (9) months to get to this point and he stated he is willing to meet whatever requirements that are necessary in order to get the request approved.

James L. Arrington asked if the applicant would have to return in the future should he decide to install lighting at the historical park.

William L. Crigler indicated the type of lighting will need to be verbalized on behalf of the applicant.

Clark Powers stated the site is very historical and commended the applicant for his desire to enhance Madison County. In closing, he suggested the applicant install lighting in the future.

Joe Austin, Pastor, verbalized comments pertaining to statements made regarding loitering; he stated there is equipment in the Church that remains under lock and key twenty-four (24) hours a day – he stated there have never been any issues of vandalism or loitering of the Church. In closing, he stated there appears to be no validity to this concern.

Beth Pastore was present and concurred with statements being made by Pastor, Joe Austin; she also urged the Board not to place further restrictions on the special use permit being sought by Mr. Graves. She stated she was a former resident of the Graves Mill area and attended the Church; she stated the Church has always been open for anyone desiring to enter to pray and is located within an area where there are a lot of "eyes" on the property.

Dreama Travis was present and stated her property sits adjacent to the Graves Mill Chapel and the proposed park; she stated there has been discussion about eliminating the flag that has been situated at the proposed park because of the facility being open twenty-four (24) hours – she asked if solar lighting was installed, will this case have to be brought before the Madison County Planning Commission and Madison County Board of Supervisors again.

Chairman, Eddie Dean stated it has been recommended by the Madison County Planning Commission that should lighting be added, this issue will have to be considered as a "new request" – the comment made at tonight's meeting has been a recommendation by the Madison County Planning Commission only.

Dreama Travis stated she enjoys seeing the children play at the Graves Mill Chapel and stated she has no intentions of interfering with such a welcoming sight.

Robert Campbell stated there is a light pole in the vicinity that is owned by the Rappahannock Electric Company and wondered if a street light could be installed that comes on nightly to illuminate the area. He stated he would donate his services to install the light on the pole if this is agreeable.

Bob Jenkins was present and stated he owns the property across the street from the Graves Mill Chapel; due to the fact he served thirty (30) years in the military, he asked for the restrictions on lighting to be removed with respect to the American flag that will be flown at the park – it has been customary to illuminate the American flag when it is flown after sunset.

Bob Miller stated with respect to the adjoining property owners that are present tonight and their comments regarding the restrictions on lighting, he asked that any property owners who disapprove of proposed lighting to verbalize such.

James L. Arrington asked V. R. Shackelford, III, County Attorney, if the aforementioned provisions were eliminated from the special indefinite use permit, would the normal traffic laws be enforceable.

V. R. Shackelford, III, County Attorney, stated parking could be allowed unless there was appropriate signage. He stated that traffic cannot park along the roadway so as to block the travel lane(s). He also advised that it would seem highly unlikely for the residents of Graves Mill to want loitering to occur in the vicinity of the park.

Bob Miller asked if there were requirements to create a "No Parking" sign, to which V. R. Shackelford, III, County Attorney, stated needed to be determined by the Virginia Department of Transportation – the County is not in charge of such signage.

Bob Miller asked if there was no signage installed, how will individuals know that parking alongside the roadway was not allowed. In closing, he stated that Mr. Graves will not be able to control this situation if he is not present.

V. R. Shackelford, III, County Attorney, stated the enforcement of prohibited parking will have to be contained in the County's Zoning Ordinance; he stated if someone parks in the area and there is a complaint, the only enforcement that can be initiated will be as a result of a violation of the conditions of the special use permit (i.e. zoning violation).

Clark Powers stated he feels the Board should move forward and feels the applicant has been "run through the mill."

Chairman, Eddie Dean advised he was in disagreement with the applicant being "run through the mill" as the Madison County Board of Supervisors is given a responsibility to the citizens of the community; therefore, the Board is expected to explore these situations before a decision is made; however, several things that appear trivial in nature can cause major hurdles for the Board. In closing, he stated the Madison County Board of Supervisors would be remiss if all issues were not explored prior to a decision being made – failure to pursue this would result in disappointment from the citizens of Madison County.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the Board approved the indefinite special use permit with no conditions, not to include any aforementioned restrictions (i.e. lighting, parking, open from dawn to dusk), with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SP-08-07-33, which is a request by Douglas M. Graves for a site plan for Graves Mill Historical Park. This property is located on Route 615 near Graves Mill and contains .070 of an acre of land, zoned A-1. A variance was granted on June 18, 2007 by the Madison County Board of Zoning Appeals to create this lot containing 0.70 of an acre.

Douglas M. Graves was present to answer any questions pertaining to the aforementioned request; he also provided an overview of the request.

After discussion, on motion of Clark Powers, seconded by James L.

Arrington, the Board voted to approve the site plan as recommended by the Madison

County Planning Commission, with the following vote recorded:

Eddie Dean Aye James L. Arrington Aye William L. Crigler Aye Bob Miller Aye Clark Powers Aye

Chairman, Eddie Dean called for a three-minute (3) recess.

Chairman, Eddie Dean advised that Brad Jarvis, Extension Agent, was present and needed to address the Board.

Brad Jarvis, Extension Agent, and Amanda Weakley, Intern, were present and presented a Drought Declaration to the Madison County Board of Supervisors for approval; this Resolution was prepared to acknowledge Madison County as a "drought disaster" area.

Brad Jarvis advised he has included some estimates of what the crop loss will be for Madison County; he stated the reason this has been done so as not to eliminate Madison County from getting federal dollars for dollars but will actually and fortify Madison County's position when there is a some type of relief program presented to Congress that Madison County, officially as a government entity, has been declared as a "disaster County." Additionally, this will not eliminate local farmers from receiving any federal funding should the government decide to form a disaster program.

In closing, Brad Jarvis asked the Board to acknowledge the Resolution to acknowledge that Madison County is undergoing a drought situation.

Chairman, Eddie Dean provided the general audience with an overview of the contents of the Resolution and stated that copies will be made available to anyone desiring one.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the Board adopted the Resolution declaring Madison County a Drought Disaster as presented, with the following vote recorded:

Eddie Dean Aye
James L. Arrington Aye
William L. Crigler Aye
Bob Miller Aye
Clark Powers Aye

RESOLUTION REQUESTING THE GOVERNOR OF VIRGINIA TO DECLARE A DROUG DISASTER WITHIN MADISON COUNTY

WHEREAS, the drought conditions, late spring frost and excessive heat existing during early Summer 2007 have adversely affected the agricultural economy of Madison County, with five (5) consecutive days below freezing in early April and a 4.75-inch rain deficit since March 1, 2007; and

WHEREAS, agricultural producers in Madison County have had pasture and hay yield losses up to seventy-five percent (75%) and potential corn and soybean yields reduced by up to fifty percent (50%) due to drought, and excessive heat during corn pollination will reduce corn yields; and

WHEREAS, due to the late April frost in Madison County, grape and other fruit crops have been adversely affected, with peach crops suffering a ninety-five percent (95%) loss; and

WHEREAS, this Board of Supervisors has been informed by the County's Extension Agent that these agricultural conditions warrant the declaration of a disaster within our County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby formally request the Governor of the Commonwealth of Virginia to declare a disaster in Madison County due to severe drought conditions, so as to render farmers within this County eligible for disaster relief.

Adopted this 1st day of August, 2007 by the Board of Supervisors of Madison County.

	Eddie Dean, Chairman Madison County Board of Supervisors		
	Aye	Nay	Abstain Absent
Eddie Dean	X		
James L. Arrington	X		
William L. Crigler	X		
Bob Miller	X		
Clark Powers	X		
Attest:			
Lisa R. Kelley, C	County Adminis	strator/Clerk to t	he Board

Chairman, Eddie Dean stated the Board will also need to discuss a Resolution pertaining to Larkins Mill Road and the Revenue Sharing Project as requested from the Virginia Department of Transportation (\$150,000.00); the County have over \$100,000.00 in County coffers as interest has been earned.

Chairman, Eddie Dean stated this Resolution will need to be adopted in order for the County to formally authorize Lisa Kelley, County Administrator, to sign the agreement as presented in order to move forward with this issue.

Lisa Kelley, County Administrator, stated she met with Donald Gore and other representatives from the Virginia Department of Transportation and advised there is a form that will need to be signed and forwarded to the Richmond Office before their department can begin working on the actual Revenue Sharing Agreement; once the Revenue Sharing Agreement has been formally signed, there will be several forms to be completed pertaining to environmental and historical compliances. In closing, she stated there will be several forms that will need to be signed and provided to the Board for approval once she has signed off. She stated there is \$150,000.00 in Revenue Sharing funds approved with \$100,000.00 will be allocated for the property (Larkins Mill) as noted; therefore, a decision will need to be made as to how to utilize the remaining \$50,000.00 in funding.

V. R. Shackelford, III, County Attorney, stated the private developer might also want to put in \$50,000.00 as matching funds in order to acquire additional matching funding.

Lisa Kelley, stated Bill Brase of Graystone Homes was in attendance along with Mr. Clatterbuck who stated he was willing to offer his assistance with explaining reports that will need to be signed and forwarded; however, they are unwilling to put forth an additional \$50,000.00 in funding at this time.

Chairman, Eddie Dean stated the project will be placed out for bidding.

Lisa Kelley, County Administrator, advised the Virginia Department of

Transportation has established an initial estimate for the work, both of which came in a

little over \$300,000.00; however a representative from Graystone Homes, Inc. contacted
a representative from the Virginia Department of Transportation certified contractor and

attained an estimate in the mid \$200,000.00 range – a determination will be made based on the initial scope denoted in the original estimate.

In closing, Lisa Kelley, County Administrator, advised she has received a packet containing regulations and information on the Revenue Sharing Program; she also stated many details of the program have already been initiated and representatives from the Virginia Department of Transportation are being very helpful in assisting the County with the project.

Bob Miller questioned whether the Madison County Board of Supervisors will have the opportunity to determine where the final \$50,000.00 in revenue sharing funding will be utilized.

Chairman, Eddie Dean advised the County will only be responsible for the \$100,000.00 plus interest that has accumulated during the past year.

After discussion, on motion of Bob Miller, seconded by William L.

Crigler, the Board voted to authorize Lisa Kelley, County Administrator, to sign any agreements/documents issued by the Virginia Department of Transportation pertaining to the Revenue Sharing Agreement for Madison County, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

RESOLUTION

AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN AGREEMENTS AND REQUIRED DOCUMENT SUBMISSIONS FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S REVENUE SHARING AGREEMENT WITH MADISON COUNTY

WHEREAS, the County of Madison applied for Revenue-Sharing money through the Virginia Department of Transportation (VDOT) for a special project to provide improvements to Larkins Mill Road (Route 702) in Madison County, Project #0702-056-R11,N501 (the "Project); and

WHEREAS, the Commonwealth Transportation Board approved the requested revenue-sharing allocation for the Project; and

WHEREAS, VDOT has requested a County Board of Supervisors' Resolution designating a person with the authority to sign a Revenue Sharing Agreement and other documentation necessary in connection with the Project on behalf of the County;

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is hereby designated to sign a Revenue Sharing Agreement and other documentation necessary in connection with the Project on behalf of the County of Madison for this Project.

Adopted this 1st day of August, 2007, by the Board of Supervisors of Madison County.

	Eddie Dean, Chairman Madison County Board of Supervisor		
	Aye	Nay	Abstain Absent
Eddie Dean	<u> </u>		
James L. Arrington	X		
William L. Crigler	X		
Bob Miller	<u>X</u>		
Clark Powers	X		

Lisa R. Kelley, County Administrator/Clerk to the Board

V. R. Shackelford, III, County Attorney, stated the bond issue for Woodberry Forest School is progressing forward; a meeting will be scheduled with the IDA (Industrial Development Authority) on August 28, 2007 @ 7:30 p.m. and will then be presented to the Madison County Board of Supervisors at the September Regular Meeting for discussion.

Chairman, Eddie Dean stated that a Public Hearing will be scheduled on the Criglersville Elementary School during the evening session of the Regular Meeting scheduled for August 14, 2007.

Chairman, Eddie Dean asked if a locality can have election laws that prohibit election signage until a certain point in time.

V. R. Shackelford, III, County Attorney, stated a provision was included in the County's Zoning Ordinance; letters were received from the ACLU and the Electoral Board that this provision was not enforceable.

Chairman, Eddie Dean asked V. R. Shackelford, III, County Attorney, to check with surrounding localities to see how they handle this issue.

V. R. Shackelford, III, County Attorney, advised there is a state law that required candidates to remove all electoral signage following the end of the election process.

Chairman, Eddie Dean advised a letter has been provided to each Board member to review – action will need to be taken at the next Joint Meeting.

With no further action being required by the Board, on motion of James L. Arrington, seconded by Clark Powers, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: August 2, 2007